

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at WINCHESTER

ORDER

This state prisoner has notified the Court of an appeal of the order dismissing his pro se civil rights complaint under 42 U.S.C. § 1983, alleging unconstitutional confinement conditions, and has filed an application for leave to proceed on appeal *in forma pauperis* [Docs. 23-24]. Plaintiff's *in forma pauperis* application is **GRANTED**, 28 U.S.C. § 1915, and he is allowed to proceed on appeal without prepayment of the filing fee [Doc. 24]. Nevertheless, as a prisoner, the Prison Litigation Reform Act of 1995 (PLRA), makes Plaintiff ultimately responsible for paying the filing fee, 28 U.S.C. § 1915(b)(1), and he therefore is **ASSESSED** the full appellate filing fee of \$505.00.

Pursuant to 28 U.S.C. § 1915(b)(2), the custodian of Plaintiff's inmate trust account at the facility where he is imprisoned is **DIRECTED** to submit to the Clerk, United States District Court, 900 Georgia Avenue, Room 309, Chattanooga, Tennessee 37401, as an initial partial payment, whichever is the greater of: (a) twenty percent (20%) of the average monthly deposits to Plaintiff's inmate trust account; or (b) twenty percent (20%) of the average monthly balance in his inmate trust account for the six-month period preceding the filing of the complaint. 28 U.S.C. § 1915(b)(1)(A) and (B). Thereafter, the trust account custodian shall submit twenty

percent (20%) of Plaintiff's preceding monthly income, but only when such monthly income exceeds \$10.00, until the full filing fee of \$505.00 has been paid to the Clerk's Office. 28 U.S.C. § 1915(b)(2).

The Clerk is **DIRECTED** to mail a copy of this Order to the Warden of the South Central Correctional Facility and to Derrick D. Schofield, Commissioner of the Tennessee Department of Correction, to ensure that the custodian of inmate trust accounts at the South Central Correctional Facility complies with that portion of the PLRA relating to payment of the appellate filing fee. The Clerk is further **DIRECTED** to forward a copy of this Memorandum and Order to the Court's financial deputy and to notify the Clerk of the Sixth Circuit of entry of this Order. Finally, this Order shall be placed in Plaintiff's prison file and follow him if he is transferred to another correctional institution.

SO ORDERED.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE